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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 288—*Legis.* 34-10-4, *dated* 19*th July* 1911.

In exercise of the powers conferred by the Mysore Game and Fish Preservation Regulation, 1901, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following be substituted for para 1 of existing Rule 3 of the Rules framed under the Regulation :—

"3. (1) The killing or capture of birds with bright coloured plumage, of peafowl and (except as provided in para 2 of this rule) of antelope, is prohibited for a further period ending with the 15th June 1914.

The killing or capture of male bison is prohibited for a period of five years commencing from the date of the issue of this notification."

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General and Revenue Departments.

No. 31—L. C., dated Bangalore, 13th July 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Court Fees Regulation, 1900, is published for general information with a statement of objects and reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Court Fees Regulation, 1900.

Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Amendment of Section 4, sub-head V.

1. The following shall be substituted for sub-clause (*b*) of clause A under sub-head V of Section 4, namely:—

(*b*) "Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently,—

five times the revenue so payable;"

STATEMENT OF OBJECTS AND REASONS.

Under Section 4 of the Mysore Court Fees Regulation, 1900, the court fee in respect of suits relating to lands in Government villages is calculated at ten or five times the assessment on the lands according as they are situate in permanently or temporarily settled villages, while the court fee payable in respect of suits for lands in Inam villages is calculated either on fifteen times the net profits where such profits have arisen from the lands during the year next before the date of presenting the plaint, or on their market-value. It has been represented by the members of the Representative Assembly that this works as a hardship in the case of holders of lands in alienated villages, and that the rule in respect of lands in Government villages should be extended at least to lands in alienated villages into which Survey and Settlement has been introduced. The Government are of opinion that the representation is a reasonable one and accordingly propose to place such lands for purposes of valuation under Section 4 of the Court Fees Regulation in the same category as lands situate in Government villages which are not permanently settled.

No. 33—L. C., dated Bangalore, 19th July 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to further amend the Mysore Land Revenue Code, 1888, is published for general information with a Statement of Objects and Reasons :—

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Land Revenue Code, Regulation No. IV of 1888.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Insertion of a new section before Section 97.

1. The following new section shall be inserted under the heading "Recovery of superior holders' dues" and before Section 97 as Section 96 A, *viz.*,—

"96 A. Any rent or land revenue (together with interest at rates fixed by any rules framed by Government under Section 154) payable by an inferior holder to a superior holder shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the Government or any right or encumbrance

Land Revenue payable to a superior holder by an inferior holder to be a first charge on the holding.

created by the inferior holder with the consent of the superior holder in writing registered or before the date of this Regulation coming into force."

Amendment of proviso to Section 97.

2. The words "within two years from the end of the revenue year or the year of tenancy" shall be substituted for the words "within the revenue year or within the year of tenancy" in the proviso to Section 97.

Amendment of Schedule I to the Mysore Limitation Regulation, 1911.

3. The following article shall be inserted after Article 119 of the first schedule to the Mysore Limitation Regulation, 1911, *viz.*—

"119 A. By a superior holder to recover arrears of revenue from an inferior holder.	Six years.	The end of the revenue year for which the amount became due."

STATEMENT OF OBJECTS AND REASONS.

In the case of N. Subba Rao *vs.* Veera Naika decided in 1906 (Volume XI, Mysore Chief Court Reports, page 118) a majority of the Judges of the Chief Court of Mysore held that the money payable by an inferior holder (whether a *kadim* tenant or not) to a superior holder in respect of land in an alienated village was not a charge on the holding in respect of which the arrears accrued, and that the period of limitation applicable to suits for the recovery of such dues was six years.

2. This decision is represented as working great hardship on the Inamdars in the State. They complain that in the absence of a charge on the holding, it is nearly impossible for them to recover their dues, particularly in cases of fradulent alienation of the land by the inferior holder. As the alienees of rent or land revenue, they represent that the arrears due to them may be regarded as a paramount charge on the land, in the same manner as the assessment due to Government in respect of Government lands.

3. The representation of the Inamdars appears to the Government to be reasonable. In their opinion, there can be no injustice in imposing on the land held by the tenants in Inam villages an obligation which rests on all lands in Government villages in respect of the revenue payable to Government. It may be noted that, under the Madras Estates Land Act of 1908, which applies to Zamindaries and Inam villages, a right of first charge has been conceded to the owners of estates.

4. This Bill has been prepared with the object of allowing to the Inamdars in this State the same right, *viz.*, of treating the rent or revenue due to them as a first charge on the holding. Government, as at present advised, do not propose to allow the Inamdars' dues to be treated as a paramount charge and prefer to leave the question open for consideration by the Select Committee of the Legislative Council. Nor do they consider it desirable that the period of limitation applicable to suits for the recovery of these arrears should be extended to twelve years. In Bombay, six years is the period applicable to such suits and this has been adopted in the Bill.

5. Clause 2 of the Bill refers to a slight alteration in Section 97 of the Land Revenue Code under which a superior holder may seek the assistance of the Deputy Commissioner to recover his arrears from the inferior holder "within the revenue year or within the year of tenancy." This period is very often too short, and more especially in a year of scarcity when the ryot may not be able to pay up the kandayam within 12 months of a poor harvest. In his own interests it may be necessary to allow a longer time for the recovery by the Inamdar of the arrears due to him. It is considered that a period of two years is sufficient, though if the Select Committee insist upon it, the Government will be prepared to accede to a term of three years.